

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**CLIFFORD F. TUTTLE, JR., AS
REPRESENTATIVE OF THE ESTATE
OF DENNIS W. TUTTLE, DECEASED,
ROBERT TUTTLE, AND RYAN TUTTLE,**

Plaintiffs,

v.

**CITY OF HOUSTON, GERALD GOINES,
in his individual capacity; STEVEN
BRYANT, in his individual capacity;
FELIPE GALLEGOS, in his individual
capacity; ERIC SEPOLIO, in his individual
capacity; MANUEL SALAZAR, in his
individual capacity; THOMAS WOOD,
in his individual capacity; OSCAR PARDO,
in his individual capacity; FRANK
MEDINA, in his individual capacity;
CLEMENTE REYNA, in his individual
capacity; CEDELL LOVINGS, in his
individual capacity; NADEEM ASHRAF,
in his individual capacity, MARSHA TODD,
in her individual capacity, and ROBERT
GONZALES, in his individual capacity,**

Defendants.

Civil Action No.: 4:21-cv-270

CONSOLIDATED WITH

**JOHN NICHOLAS, as temporary
administrator of the Estate of Rhogena
Nicholas and JO ANN NICHOLAS,
individually and as an heir of the Estate of
Rhogena Nicholas,**

Plaintiffs,

v.

**CITY OF HOUSTON; ART ACEVEDO, in
his official capacity as the chief of police of
the Houston Police Department, GERALD
GOINES, in his individual capacity;**

STEVEN BRYANT, in his individual §
 capacity; FELIPE GALLEGOS, in his §
 individual capacity; ERIC SEPOLIO, in his §
 individual capacity; MANUAL SALAZAR, §
 in his individual capacity; THOMAS §
 WOOD, in his individual capacity; OSCAR §
 PARDO, in his individual capacity; FRANK §
 MEDINA, in his individual capacity; §
 CLEMENTE REYNA, in his individual §
 capacity; CEDELL LOVINGS, in his §
 individual capacity; NADEEM ASHRAF, §
 in his individual capacity; MARSHA TODD, §
 in her individual capacity; and ROBERT §
 GONZALEZ in his individual Capacity, §
 §
Defendants. §

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Clifford F. Tuttle, Jr., as representative of the Estate of Dennis W. Tuttle, Robert Tuttle, and Ryan Tuttle, Patricia Nicholas, as temporary administrator of the Estate of Rhogena Nicholas and Jo Ann Nicholas, individually and as an heir of the Estate of Rhogena Nicholas (collectively “Plaintiffs”), and Defendants Nadeem Ashraf, Robert Gonzales, Cedell Lovings, Frank Medina, Oscar Pardo, Clemente Reyna, Manuel Salazar, Eric Sepolio, and Thomas Wood (collectively “Stipulating Defendants”), jointly stipulate to the dismissal with prejudice of all claims of excessive force in violation of the Fourth and Fourteenth Amendment pursuant to 42 U.S.C.S. §§ 1983, 1988, against Defendants Nadeem Ashraf, Robert Gonzales, Cedell Lovings, Frank Medina, Oscar Pardo, Clemente Reyna, Manuel Salazar, Eric Sepolio, and Thomas Wood [Docs. #48 and #49], with Plaintiffs and Stipulating Defendants to bear their own costs and expenses and agreeing to forego any attempt to seek attorney’s fees against each other as to all claims in this action. This stipulation does not preclude any Plaintiff from seeking costs or expenses or attorney’s fees against any non-Stipulating Defendant and does not preclude any non-Stipulating Defendant from seeking costs or expenses or attorney’s fees against any Plaintiff. This stipulation of dismissal has

been signed by all parties who have appeared. Therefore, pursuant to Rule of Civil Procedure 41(a)(1)(A)(ii), this dismissal is effective on the filing of this stipulation, without further action or order of the Court.

Respectfully submitted,

ARTURO G. MICHEL
City Attorney

Date: August 5, 2024.

By: /s/ Christy L. Martin

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August 2024 a true and correct copy of the foregoing document was delivered to all opposing counsel(s) by electronic filing of same in accordance with the District's ECF service rules, and alternatively via facsimile transmission, to:

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